

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 17395 of 2007(U)

PETITIONER:

**THE MYSORE FERTILIZER COMPANY PVT. LTD.,
CHENNAI, REPRESENTED BY THE REGIONAL MANAGER.**

**BY ADV. SRI.N.L.KRISHNAMOORTHY
SRI.K.LAKSHMINARAYANAN
SMT.SATHYA SHREEPRIYA
SMT.S.SUJA**

RESPONDENTS:

- 1. NIRANAM SERVICE SAHAKARANA BANK,
NO.A.108, REPRESENTED BY SECRETARY.**
- 2. ASSISTANT REGISTRAR (GENERAL)
OF CO-OPERATIVE SOCIETIES, THIRUVALLA.**
- 3. STATE OF KERALA, REPRESENTED BY
SECRETARY (CO-OPERATION).**

**BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
SRI.T.P.PRADEEP
GOVT. PLEADER SRI.RAVI KRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1 TRUE COPY OF THE ORDER DTD.27-2-04 IN ARC 289/03 BEFORE THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETY, THIRUVALLA**
- EXT.P2 TRUE COPY OF THE EXECUTION PETITION DTD. 3-3-05 FILED BY THE PETITIONER.**
- EXT.P3 TRUE COPY OF THE FRESH EXECUTION PETITION DTD. 5-7-06 FILED BY THE PETITIONER.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No. 17395 OF 2007

Dated this the 2nd day of July, 2007

JUDGMENT

Complaint of the petitioner is as follows:

Petitioner sold Fertilizer products to the first respondent. As there was default in payment, the petitioner filed ARC 289/03 before the second respondent who passed an award dated 27-02-2004. There is default even after the award, it is stated. Petitioner filed execution petition on 03/03/2005. No action was taken by the second respondent. Later, on enquiry. it was stated that the execution petition was misplaced and not traceable. Petitioner was asked to file fresh execution petition. Petitioner again filed a fresh execution petition on 07-07-2006. Enquiry was made and it is found that execution petition is not numbered.

2. Prayer in the writ petition is to direct the second respondent to take Ext.P3 on file and take immediate steps for realisation of the amount due under the award.

3. I heard learned counsel for the petitioner, first

respondent and the learned Government Pleader also.

The writ petition is disposed of directing the second respondent to take up Ext.P3 if it is without any defect and to proceed with the matter in accordance with law as expeditiously as possible. If there is any defect, petitioner will be put to notice of the same so that he can cure it.

(K.M.JOSEPH, JUDGE)

SV.

